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Mr. Chairman, Members of the subcommittee

Current US strategy in Iraq rests on two pillars: a political process that leads to the formation of an effective and inclusive Iraqi national government and a security process that builds up an ever larger and more capable Iraqi Army and police. The Bush Administration has emphasized the steps that have already been accomplished: the holding of Iraq-wide democratic elections, the writing of a constitution and its overwhelming adoption in a referendum, and the formation of a Government of National Unity. On the security front, we have been told about the size of the Iraqi armed forces, about their increasing capability (albeit assessments of combat readiness seem to fluctuate), how the Iraqi Government is now beginning to assume command over the armed force and how the Iraqis are now responsible for security in one province.

I do not diminish the remarkable events that have taken place in Iraq since 2003. I was in Iraq during the January 2005 elections—moving about freely with Iraqis and not limited by the security measures that apply to official visitors—and I was very moved by the large turnout of people determined to have their say. I sat with Iraq's leaders in August 2005 as they wrote the country's constitution. It was a process of tough bargaining by elected political leaders—behind closed doors—that one might expect when the most important issues are at stake. I was in Baghdad this February with the Iraqi leaders as they tried to form a government of national unity.

But, where are we three months after the completion of the Government of National Unity?

Iraq's south is governed by Shiite religious parties who run the region as theocratic fiefdoms with elements borrowed from the Iranian model. In Iraq, however, Shiite militias generally enforce an Islamic law that is more severe than that which applies in neighboring Iran, a country that exercises enormous political, military and economic influence on the Shiite parts of Iraq. The much advertised human rights provisions of the Iraqi constitution do not apply in the south and to the extent that the central government has any influence in the south, it is because the same Shiite religious parties that dominate the federal government also control different parts of the south.

The Sunni center is a battleground. Most recently, a classified report from the marines on the ground in Anbar Province asserts that the coalition has lost control of Iraq's largest province.

Baghdad is front line of a brutal civil war between Iraq's Shiites and Sunni Arabs that has in recent months produced an average of 100 murders per day. The city is today divided between the Shiite east which is controlled by the most radical of the Shiite militias, the Mahdi Army and the Sunni west where different neighborhoods are controlled by al-Qaeda offshoots and imitators or by the Baathists. Government ministers rarely risk going to their ministries outside the Green Zone, and mostly spend their time visiting each other designing policies that never leave the paper on which they are written.

Kurdistan, in the north, is for all practical purposes an independent country. It has its own democratically elected parliament, a President, a Prime Minister and Cabinet. The Kurdistan Regional Government has its own army, the peshmerga, has exclusive power of taxation within Kurdistan and full control of all natural resources on the territory of Kurdistan, including oil and water. By Kurdistan law, the Iraqi Army is banned from Kurdistan's territory except with the approval of the Kurdistan National Assembly. By presidential decree, the Iraqi flag is banned in Kurdistan. In January 2005, 98% of Iraq's Kurds voted for full independence in an informal referendum held simultaneous with the national elections.

Kurdistan's powers, as I have described, are recognized in the Iraqi constitution which makes Kurdistan's law superior to Iraqi law except for the very few matters that are wholly within the exclusive jurisdiction of the federal government as listed in Article 110 of the Constitution. The exclusive powers of the federal government do not include religion, human rights, or natural resources, or taxation. On these matters regional constitutions and law are supreme.

The Constitution permits other parts of Iraq to form regions with the same powers as Kurdistan and SCIRI is pushing ahead with plans to form a nine-governorate Shiite region that would have its own army and substantial control over its vast petroleum resources. Iraq's constitutional design—with virtually independent regions and a powerless central government—is no accident. It reflects the deep divisions within Iraq, and resembles much more closely a peace treaty among sovereign states than a blue print for a common state that is not desired by the Kurds and about which the Shiites are, at best, ambivalent.

Iraq's Army and police are a reflection of a deeply divided country. The Army is divided into Kurdish, Shiite and Sunni battalions. The Kurdish battalions are loyal to Kurdistan, not Iraq; the Shiite battalions are loyal to the Shiite religious parties; and the Sunni battalions are mostly not considered reliable. According to Iraq's top Defense Ministry officials, a third of the army consists of ghost soldiers—names that are used to collect salaries—and only about 10% show up for combat on a given occasion. Iraq's police are participants in the civil war, responsible for many of the abductions and killings. (Kurdistan has its own police force). It is virtually impossible to build national institutions, such as an army and police, where there is no nation.

Iraq has, in fact, broken up and is in the midst of a civil war. Recognizing this reality clarifies our policy options. To achieve President Bush's goal of a unified and democratic Iraq, the United States would have to put Iraq back together. This means two military missions that we are not now undertaking. First, we would have to use force to disarm the Shiite militias and dismantle the southern theocracies. Second, we would have to end the Sunni-Shiite civil war being fought in Baghdad and other mixed areas. The first task would involve taking on an enemy more numerous and better armed than the Sunni insurgents, an enemy with a powerful ally in next door Iran. Ending the civil war would require US troops to become the police in Baghdad and other mixed areas. This is not a task that Iraqi security forces can undertake as they are either Shiite or Sunni, and therefore partisans in the civil war. Either mission would require many more troops and lead to many more casualties.

In truth, however, the Bush Administration's commitment to the unity of Iraq is mostly rhetorical. During the occupation, it permitted the Shiite militias to grow from a few thousand Badr Corps members to the large number today. And, Ambassador Khalilzad brokered the constitution that creates strong regions (with armies) and a powerless central government.

If the United States is not prepared to build a unified Iraq—and I see no reason to expend American lives and treasure in putting back together a country not desired by a large part of its inhabitants—then the alternative is to work with the reality of a divided land. Recognizing reality also provides a way out.

If we are not going to disarm the Shiite militias and dismantle theocracies, what purpose is served by our presence in the south? It is true that if we withdraw, the South will be pro-Iranian and theocratic, but that is equally the case if we stay under the current mission.

If we are not going to help end the civil war, what purpose is served by a continued military presence in Iraq's capital? It is true that if we withdraw there will be horrific sectarian killing and widespread "sectarian cleansing" but that is going on right now.

The current strategy for combating the insurgency has clearly failed. It involves handing off combat duties to the Iraqi Army. Mostly, it is Shiite battalions that fight in the Sunni Arab areas, as the Sunni units are not reliable. What the Bush Administration portrays as Iraqi, the local population sees as a hostile force loyal to a Shiite dominated government in Baghdad installed by the Americans invader and closely aligned with the traditional enemy, Iran. The more we "Iraqize" the fight in the Sunni heartland, the more we strengthen the insurgency.

The alternative is to encourage the formation of a Sunni Arab Region with its own army, as allowed by Iraq's constitution. Upon its formation, the US military should promptly withdraw from Sunni territory so as to allow the new leaders to establish their authority without being seen as collaborators.

The US has one overriding interest in Iraq today—to keep al-Qaeda from having a base from which it can plot attacks on the US. If Sunni Arabs cannot provide for their own security, the US must be prepared to reengage.

This is best accomplished by placing a small over the horizon force in Kurdistan. The Kurds are among the most pro-American people in the world and would welcome a US military presence, not the least because it would help protect them from Arab Iraqis who resent their close cooperation with the US during the 2003 War and thereafter. From Kurdistan, the US military could readily move back into any Sunni Arab where al-Qaeda or its allies established a base. The Kurdish peshmerga, Iraq's only reliable indigenous military force, would willingly assist their American allies with intelligence and operationally. By deploying to what is still nominally Iraqi territory, the US would avoid the political complications---in the US and in Iraq---involved in reentering Iraq following a total withdrawal.

The choices we face in Iraq are stark. We can try to win—as defined by President Bush—but that would require many more resources than the President, or the Congress, is prepared to commit. Or, we can reshape the mission in Iraq to the resources we are prepared to commit. I have outlined a three part approach that is achievable: (1) withdraw from the parts of Iraq where we will accomplish nothing, (2) focus on the threat from al-Qaeda and other salafi jihadis, and (3) support our friends.

Other widely discussed options—such as threatening to withdraw US troops if Iraqis do not unify -- ignores the fact that large numbers of Iraqis—including all the Kurds—do not want a unified country. Insisting the Iraqi government follow a specific course of specific action—such as a plan for national reconciliation—ignores the fact that the government exercises no real authority any place in the country and that its decisions—no matter how admirable—do not matter.

Finally, the least acceptable option is continuing the present course of action. We will not accomplish our objectives and it is a formula for a war without end.

